

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 16301M-021300US	
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on <u>May 26, 2010</u> . TOWNSEND and TOWNSEND and CREW LLP By: <u>/Shannon O'Connor/</u> Shannon O'Connor		Application Number 08/893,917	Filed July 11, 1997
		First Named Inventor Karl Littau et al.	
		Art Unit 1792	Examiner Rudy Zervigon
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>59,984</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>/Jason A. Sanders/</u> _____ Signature <u>Jason A. Sanders</u> _____ Typed or printed name <u>303-571-4000</u> _____ Telephone number <u>May 26, 2010</u> _____ Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

<input checked="" type="checkbox"/> *Total of <u>1</u> form is submitted.

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PATENT
Attorney Docket No.: AM2119/T2130
TTC No. 16301M-021300US

TOWNSEND and TOWNSEND and CREW LLP

By: /Shannon O'Connor/
Shannon O'Connor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Karl Littau, et al.

Application No.: 08/893,917

Filed: July 11, 1997

For: REMOTE PLASMA CLEANING
SOURCE HAVING REDUCED
REACTIVITY WITH A SUBSTRATE
PROCESSING CHAMBER

Customer No.: 57385

Confirmation No. 8435

Examiner: Rudy Zervigon

Technology Center/Art Unit: 1792

PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Mail Stop Notice of Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the rejections in the Final Office Action dated March 26, 2010 (the "pending final office action"), for the above-identified application. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

Applicants respectfully request review of the obviousness rejection of claims 22-24 and 27. In a previous final office action dated June 12, 2008, claims 22-24 and 27 were rejected as being anticipated by Shang¹. In response, on 12 December, 2008, applicants requested a pre-appeal conference and persuasively argued that Shang could not anticipate claims 22-24 and 27, because the final office action improperly pointed to deposition gases in

¹ U.S. Patent No. 5,788,778.

Shang for showing gases used in a cleaning process. The crux of the argument was that gases used in deposition processes cannot be used to show the use of such gases in a cleaning process. This argument was found persuasive and prosecution was reopened.²

The pending final office action³ makes the same blunder. That is, the pending office action points to deposition gases disclosed in Markunas⁴ for showing diluent gases used in a cleaning processes. Indeed, the gases disclosed in Markunas are used during a deposition process and not for a cleaning process disclosed in Shang. These two processes are in opposition to one another. Cleaning processes are used to clean the residue left behind from deposition processes. The pending final office action appears to allege that because Markunas shows either an inert or reduction diluent gas in a deposition process, then chamber cleaning gases could also be such. But such a combination was not found to disclose what is claimed, is never proposed by either or both of Shang and Markunas, and is taught away since from Shang is used to clean and Markunas is used for deposition.

The pending final office does allege that motivation to add hydrogen to Shang's diluent gas feeds as taught by Markunas is for "moderating the gas phase chemistry." But there is nothing to suggest how this moderation of the gas phase chemistry would switch a diluent gas from being useful for deposition to being useful for cleaning.

Hence allowance of these claims is requested. This application has been mired in prosecution since 1997. The present claims have been in prosecution since at least 2005. And since then, the claims have been subject to about a half-dozen office actions and survived a pre-appeal conference. Yes, these claims have been thoroughly examined and remain nonobvious and not anticipated through these years. A notice of allowance should be issued.

For at least the foregoing reasons, applicants respectfully request allowance of these claims.

² Notice of Panel Decision for Pre-Appeal Brief Review, January 16, 2009.

³ Final office action mailed March 26, 2010.

⁴U.S. Patent No. 5,018,479 .

Appl. No. 08/893,917
Pre-Appeal Brief Request for Review
dated May 26, 2010

PATENT

If a telephone conference would expedite prosecution of this application, please
telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Jason A. Sanders/

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